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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

NATIONAL URBAN LEAGUE, *et al.*,

Plaintiff,

v.

WILBUR L. ROSS, JR., *et al.*,

Defendants.

Case No. 5:20-cv-05799-LHK

**DEFENDANTS' RESPONSE TO THE
COURT'S SEPTEMBER 14, 2020,
ORDER, ECF No. 119**

1 Pursuant to the Court's Order dated September 14, 2020, ECF No. 119, Defendants state
2 that they would be willing to provide to the Court all of the documents that the Census Bureau and
3 the Department of Commerce provided to the Department of Commerce Office of Inspector
4 General (OIG) in response to the OIG inquiry identified in the Court's Order, on the understanding
5 that:

- 6 1. The Court would treat all such documents as privileged and conduct an *in camera*
7 review. If the Court determines that a document is not privileged, Defendants shall
8 have a reasonable opportunity to object to the Court's determination;
- 9 2. The Court would not base its resolution of the preliminary injunction on privileged
10 documents; and
- 11 3. The documents that the Court finds to be non-privileged, along with the non-
12 privileged documents that Defendants have already produced, shall be deemed by
13 the Court to constitute the entire record in this matter. Defendants will not be
14 required to conduct further document searches, reviews, or productions, or respond
15 to any discovery, to develop a record in this case.

16 Defendants believe these stipulations are consistent with the Court's Order, ECF No. 119,
17 as well as the discussion the parties and the Court had during the September 14, 2020, case
18 management conference.

19 Defendants note that the volume of OIG documents will be larger than what can be
20 transmitted over e-mail. Defendants further respectfully inform the Court that while they complied
21 with the OIG request at issue, it took longer than the amount of time that the OIG had initially set
22 for document production.

1 DATED: September 14, 2020

Respectfully submitted,

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3 JEFFREY BOSSERT CLARK
Acting Assistant Attorney General

4 ALEXANDER K. HAAS
5 Branch Director

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8 Assistant Branch Directors

9 /s/ Alexander V. Sverdlov
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15 *Attorneys for Defendants*
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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of September, 2020, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing.

/s/ Alexander V. Sverdlov
ALEXANDER V. SVERDLOV